

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/613916-Conf. #8629
		Filing Date	July 3, 2003
		First Named Inventor	Arthur M. Krieg
		Art Unit	1645
		Examiner Name	N. M. Minnifield
Total Number of Pages in This Submission		Attorney Docket Number	C1039.70075US00

ENCLOSURES (Check all that apply)		
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<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Alan W. Steele, M.D., Ph.D.		
Date	May 22, 2006	Reg. No.	45,128

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Certificate of Mailing Under 37 CFR 1.8(a)	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: May 22, 2006	Signature: (Alan W. Steele, M.D., Ph.D.)



Docket No.: C1039.70075US00
(PATENT)

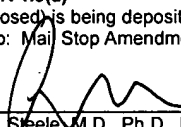
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.
Serial No.: 10/613916
Confirmation No.: 8629
Filed: July 3, 2003
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES
Examiner: Nita M. Minnifield
Art Unit: 1645

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 22, 2006


Alan W. Steele, M.D., Ph.D., Registration No. 45,128

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed April 21, 2006, Applicant hereby provisionally elects Group I -- claims 19-36, 50-67 [sic], 81-89, and 97-105, and further elects as species *Mycobacterium M. tuberculosis* and sequence GTCGTT for continued examination. This election is made with traverse.

Remarks

The Examiner has required restriction between Group I -- claims 19-36, 50-67 [sic], 81-89, and 97-105, drawn to a method for treating a mycobacterial infection comprising administering an unmethylated CpG to a subject to treat or ameliorate a *Mycobacterium* bacterium infection; and Group II -- claims 37-49, 68-80, 90-96, and 106-112, drawn to a method for inducing an immune response against a *Mycobacterium* bacterium comprising administering an unmethylated CpG to a

subject to treat, prevent or ameliorate a *Mycobacterium* bacterium infection. The Examiner further required an election of species as follows: a specific *Mycobacterium* and a specific sequence for the immunostimulatory nucleic acid molecule comprising an unmethylated CpG.

Applicant in response has elected Group I and the species *Mycobacterium M. tuberculosis* and sequence GTCGTT, with traverse.

The election of Group I is made with traverse at least because a search of Group II would likely be coextensive with a search of Group I and therefore would impose no significant additional burden of searching upon the Examiner.

With respect to the election of species, claims 19-23, 25-30, 32, 33, 35, 36, 50-54, 56-61, 63, 64, 66, 67, 81-84, 86, 87, 89, 97-100, 102, 103, and 105 are believed to represent a grouping representative of the elected species. In the event the Examiner agrees to rejoin Groups I and Group II, the following additional claims are also believed to represent a grouping representative of the elected species: 37, 39-44, 46, 48, 49, 68, 70-75, 77, 79, 80, 90-92, 94, 96, 106-108, 110, and 112.

Respectfully submitted,

By 

Alan W. Steele, M.D., Ph.D.

Registration No.: 45,128

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Dated: Monday, May 22, 2006